

MINUTES  
**LICENSE COMMISSION MEETING**  
**6:00 p.m.**  
**Thursday, February 17, 2022**  
**ZOOM Virtual Meeting**

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The License Commission held its regular monthly meeting on Thursday, February 17, 2022, via Zoom. Present were Commissioners Jeffrey Charnel, John McGarry, and Paul Studenski. Also, present were License Agent Paul Bonanca, Deputy Chief Edward Williams, and Executive Assistant Silvia Carvalho.

1. Approval of the Minutes of the License Commission Meeting of January 20, 2022.

A motion was made by Commissioner McGarry to approve the minutes of the previously mentioned meetings which motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

2. Approval of the following police officers as license agents for the month of February 2022:  
Lieuts. Paul Bonanca and David Farrell; Sgts. George Khoury and Christopher McDermott; Dets. Erin Cummings, Jackie Congdon, Eric Clark, Santiago Cirino, Thomas Hyland, Michael Bunker, Nazaire Paul, James Cronshaw and Timothy Stanton.

A motion was made by Commissioner McGarry to approve the license agents as listed for the month of February 2022. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

3. Hearing on a request from Signature Healthcare for a Special Events Permit for a Champions Fighting Cancer Walk from Brockton High School to Signature Healthcare on 680 Centre Street, to be held on May 1, 2022, from 8:00 a.m. to 2:00 p.m.

Present was Ms. Valerie Flynn of 680 Centre Street, Brockton, MA 02302

Ms. Flynn stated to the board that this is a Champions Fighting Cancer Walk that starts at the high school. The walkers complete the walk to their Green Cancer Center at the campus of Brockton Hospital. The walk has been going on for 22 years last year's walk was virtual due to COVID, and the year prior was cancelled. They are excited to be back in person this year. Commissioner Charnel asked the Lieutenant if he had anything to add? and he stated that the Police Department recommends approval with the condition that they consult with the Traffic Commissioner regarding any police escort or road closures.

A motion was made by Commissioner McGarry to approve the permit. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**3-0**

4. Hearing on a request from Signature Healthcare for a Special Events Permit for a Champion Ride for Pediatrics starting from Signature Healthcare on 680 Centre Street and ending at Signature Healthcare, to be held on May 1, 2022, from 8:30 a.m. to 10:30 a.m.

Present was Ms. Valerie Flynn of 680 Centre Street, Brockton, MA 02302

Ms. Flynn stated to the board that the Pedi Walk is an annual event that happens on the same day as the Cancer Walk. Basically, the motorcycle riders go to the hospital to meet up and there is a ride to raise money for their Pediatrics unit. They return to the hospital for a cookout.

A motion was made by Commissioner Studenski to approve the permit. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

### 3-0

5. Hearing on a request from Shivam, LLC dba Shivam Variety, Manager Vikas B. Patel makes application for a Wine and Malt Package Store license, at 521 Main Street, Brockton, MA 02301.

Present was Attorney Matthew Porter of 480 Turnpike Street, South Easton, MA 02395, Bharat M. Patel and Vikas Patel of 25 Bergeron Way, Stoughton, MA 02072.

Attorney Porter stated that Mr. Patel is the manager and member of Shivam, LLC, along with him is his son Vikas Patel. Vikas will be the licensed manager at the location as the board has stated this is an application for a new beer and wine license. They have been at the 521 Main St location since 2006 and they do own the property. They have newly renovated the building and it has a new floor and roof. They are certainly very well invested within the property and the city. They have had no violations whatsoever with any of their tobacco or any other controlled substances. They have ample parking and ample space and should have no issues with deliveries.

Mr. Patel also owns Oak Street Convenience, and the situation is similar, it was a convenience store and Mr. Patel was granted a beer wine license about six years ago. They have operated that spot very well with no violations whatsoever, they are looking to expand their business at 521 Main Street, and they believe there is a public need in that area. Chairman Charnel asked if there was anyone on the call in favor or opposition? and there were none. Commissioner McGarry asked Attorney Porter if everyone that is going to be involved in the sale has been trained in the sale of liquor?

Attorney Porter replied that yes, Mr. Patel the owner has been TIP certified for an extended period of time and his son has been working in that industry. They both retook their TIP certifications and they do have the certificates. They will also have a scanning machine in place, and they understand that having a well-trained employee is one thing but having a scanning machine in place should really button things up. Mr. Patel will be the day-to-day operator and if they do hire any employees, they will be required to be TIP certified.

Commissioner McGarry asked Attorney Porter to state the hours of operation for the record. Attorney Porter asked Bharat and Vikas to provide the hours of operations to the board. Mr. Patel stated that he would be open 7:00 AM to 9:00 PM. Attorney Porter informed the board that alcohol sales would not commence until permissible by state law and he believes it is 10:00 AM on Sundays and 8:00 AM on weekdays. Commissioner Studenski stated noontime on Sundays. Commissioner McGarry asked them if

it will be noon to 9 on Sundays? Attorney Porter stated that the store hours remained the same and the alcohol sales would not be permitted outside of those hours.

Commissioner Studenski asked Lieutenant Bonanca if he had any inspection items? Lieutenant Bonanca informed the board that he conducted an inspection on the 2<sup>nd</sup> and there were no issues, and the Police Department recommends approval. Commissioner Studenski thanked the Lieutenant for his input. Chairman Charnel stated that he had a few questions, he stated that their store is close to an adjacent liquor store that is full service he believes it is Brockton Liquors. He thinks that the individuals are capable of running a liquor store, however he wanted to state that for the record. The close proximity to a full liquor store. Chairman Charnel asked Attorney Porter if his client will be selling single bears or single cans? Attorney Porter stated that there will be no sales like that.

He informed the board that his guys are well aware of the proximity of the other store and his clients are not trying to be a package store in any way. This is just an ancillary product to be sold with other convenience store goods. They know that they cannot compete in that arena, and they are certainly not trying to. They will offer groceries, lottery, tobacco that will be the elements of it, and the beer and wine will be and an accompaniment to that. He does not believe there will be any singles sold there. Chairman Charnel stated that he wants to confirm for the record that they cannot sell single cans of 40s or anything like that.

Attorney Porter stated he does not think his clients would have an issue with that being on the record. Councillor Nicastro asked to speak and informed the board that Mr. Patel nor his attorney contacted her, and the property is in ward four. However, she is very familiar with it for many years she volunteered across the street from it at the Charity Guild. She stated that she thinks these are hard times for variety stores and so she supports this. She knows that they will watch carefully the hours and she is aware that the store is very close to another package store at the corner of Lawrence. It used to be Giannaros and it is now owned by Domingos Daveiga another good business owner in the City of Brockton. The city will have to watch it but in many ways, they may have a different market, especially people on foot. So, she supports this to help Mr. Patel. She thanked the board for the courtesy to speak and the Commission thanked the Councilor for her input.

A motion was made by Commissioner Studenski to approve the license. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

**3-0**

6. Hearing on a request from Five Star Pie, LLC dba Five Star Pizza and More for a Common Victualer license located at 793 Crescent Street, Brockton, MA 02302.

Present was Mr. Ismail Beyaztas of 785 Bedford Street, East Bridgewater, MA 02333, Yunus Emre Yilmaz of 793 Crescent Street, Brockton, MA 02302 and Bakht of 44 Mechanic Street, Apt #2, Foxboro, MA 02035.

Chairman Charnel asked if the petitioners were on the call? and they stated that the previous owners and the new owners were both on the call. Commissioner Charnel asked them if it was a transfer? and they replied, yes. The previous owner stated that they already closed, and the current owners are in the business as of now. They do have a management agreement in place through their attorney. The new owners put in their application and are in the process. Chairman Charnel asked the new owners if they

have experience in the restaurant business? They replied, yes. Chairman Charnel asked the Commissioners if they had any comments Commissioner McGarry stated that he did not have any questions as long as they are familiar with the business and from the pictures it looks like they are getting close to getting ready to go. Commissioner McGarry asked Lieutenant Bonanca for his inspection report? and he stated that he did and inspection on February 2nd and everything appeared to be in good working order. There are no issues and as far as the Police Department is concerned, they recommend approval.

Chairman Charnel asked if there was anyone on the call, in favor or opposition? and there were none. He also asked if there were any elected officials that would like to speak and there were none. Chairman Charnel stated that it does not say it's a transfer and asked the petitioners whose name it is going under? He stated that it is going in the new owners, name and stated that he emailed about the transfer because he looked at it and it didn't say anything about a transfer, and he never heard back from anyone. He did confirm to the board that it is in fact a transfer.

A motion was made by Commissioner Studenski to approve the license. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

### **3-0**

7. Hearing on a request from G&K Automotive, Inc. dba New England Automotive Repairs & Sales to Transfer a Class II Used Car Dealers license located at 642 Main Street, Brockton, MA.

Present was Mr. Genaro Dicienzo of 15 Greenlodge Street, Dedham, MA 02026

Chairman Charnel asked if the petitioners were on the call? and they replied, yes. They informed the board that Councilor Minichiello was trying to join the call and was having difficulty. He asked if someone could call him? Chairman Charnel asked Silvia if there was anyone in the waiting room? and she replied, no. Councilor Nicastro stated that she sent him her email information a few minutes ago. Silvia also stated that she printed out a form for him today and highlighted the numbers. Chairman Charnel stated that he will continue with the hearing and assume that he is in favor.

Chairman Charnel asked the applicants to speak, and Mr. Dicienzo stated that he is the president of G&K Automotive Inc., and they are requesting a transfer of a used car license. They would like to keep the same license that is there which is a 10 used car dealers license, and they are asking that it be transferred. Chairman Charnel asked if the license is at one location and transferring to another? they replied, no it will remain at the same location 642 Main St. Chairman Charnel asked if someone else is going to be operating the license? and they replied, no he then asked the Commissioners if they had any questions?

Commissioner McGarry stated that by looking at the diagram he wanted to know if the lines were painted? or will they have to wait for warmer weather? He knows that Lieutenant Bonanca and Deputy Chief Williams informed the board on what was going on with the physical plan. His concern is that as mentioned earlier he used to be a City Councilor and garage licenses and used motor vehicles were always an issue for the Ward Councilors and he is sure the Ward Councilor for that area will have some comments. He knows that one of the properties has ten cars and wanted to reiterate that 10 cars is it, not twenty cars or trying to squeeze them all in on the lot. Commissioner McGarry asked the Chairman if they are only dealing with the used car dealer license? and the Chairman replied yes, that is correct.

he stated that there are two bays at the garage, so his concern is that they maintain the ten cars which is what the Commission has control over, he asked the applicant that whoever is the day-to-day manager stay on top of that and make sure that they maintain the 10 cars for sale at a time. Mr. Dicienzo replied, yes. Mr. Dicienzo stated that they are requesting that the hours be Monday through Saturday from 8:00 to 5:00 PM and on Sunday 10:00 AM to 5:00 PM. The original license is Monday through Friday, so they are requesting Saturday eight to five and Sunday 10:00 AM to 5:00 PM.

Commissioner McGarry asked him if that was to sell the used cars? He replied, yes Commissioner McGarry asked the Chairman for clarification? Chairman Charnel asked the applicants if there would be repairs at the parcel? He replied, yes on Saturdays, but not on Sundays. Mr. Dicienzo replied, absolutely no repairs at all. Chairman Charnel asked Lieutenant Bonanca for his inspection report, and he stated that a new parking plan had been emailed and in conducting his inspection in consultation with Deputy Chief Williams who negotiated the actual parking plan. He asked to defer to Deputy Chief Williams, whom is on the call.

He has been the one working back and forth with the business and the attorney for the business. Chairman Charnel asked Deputy Chief Williams to weigh in on the parking plan and what was compromised on. Deputy Chief Williams asked the Chairman if he received the copy of the email that he sent to the License Commission earlier in the day? and he replied, yes. He stated that the applicant was originally looking for more than 20 spaces which he felt was very crowded. The layout that they had would not work for them. He worked with the attorney and the gentleman in front of the board, and they came up with the engineered drawing today and feels like this will work for them as far as parking.

He wanted to clarify that spots 1 through 10 would be the ones used to display the used vehicle sales. Six in front and four on the South side of the property. Spots 11 through 19 would either be customer or employee parking. He made an error on his original email with regard to spot 16 that will be the handicapped spot, because that has enough room for the handicapped door to fall open. He asked the board to stipulate that the vehicles on the property only be parked in line spots and that the dumpster conforms to city ordinance, Board of Health, and fire codes.

He also stated that no used vehicles belonging to the license holder can be stored anywhere else in the city. Storage is limited to 642 Main St, parcel ID# 113009. What they are finding elsewhere in the city is that people are getting their used car dealers license and they have a license for 10 cars, but they are buying 30 cars and storing the other twenty somewhere else and that has become a problem for the city. The parking lines should be painted when the weather is appropriate no later than March 30th. We should have plenty of good weather by then.

He noted that the licensees have opted for no workers compensation insurance, so only the corporate officers can work at the location and no other employees. If that changes, they should notify the Commission on the workers compensation status. He also wanted to clarify that the property is owned by a trust, it was not that clear on the paperwork. The repair facility that they have has not been licensed by the City Council, yet they have made application and they are very close to getting his sign off. Which should hopefully happen tomorrow afternoon. Then it can go before the City Council.

Chairman Charnel thanked Deputy Chief Williams, for his input he stated it was very informative and did not know that that was going on in the city, but that seems like a problem... people buying cars and storing them. Chairman stated that he did not see Councilor Minichiello on the call and did not know if

Councilor Nicastro had anything to add she replied, yes. She does and wanted to commend Lieutenant Bonanca and Deputy Chief Williams for all the work they have done on the application. She welcomes new businesses in ward four and hopes that all goes well for G&K Automotive. She stated that the applicants want to do everything right and that is really good, although she is disappointed to find out that they have already been operating there. But they are trying to get it right and the city will do their best to get them licensed up as soon as possible with their corporation.

She informed the board that the plan that they had arranged to obtain from a surveyor takes us a long way. As was mentioned they have a pending application for an auto repair license and the plan addresses both spots. Where cars should be repaired as well as cars for sale and that complies with all the city ordinances. She informed the board that they have already purchased the property and they are doing this work after the fact. She stated that Mr. Minichiello, the attorney for the person who sold the property to them has been helping them out, but he is not technically their lawyer. She wanted to make the point for him since he was unable to get on the call.

She is also hoping they are going to file a DBA with the Clerk's office just to tie up that loose end. This ensures that the New England Automotive Repairs & Sales will be in the Clerk's Office. They are the alter ego of G & K Automotive. Beyond that, she is concerned about the hours. She does not have a problem with Saturday and Sunday hours and eventually the ordinances will change to try and make the hours for the businesses uniform. They are working on it. She supports it at 10 spaces as Lieutenant Bonanca mentioned. The application mentions that they are new to this business on their own, so if they want to have more spaces, and they can figure out a way they can come back in a year or two and they can talk about it. She thanked the board for the opportunity to speak.

Chairman Charnel stated that he did not see anyone else on the call, in favor or opposition of the request? Chairman Charnel stated to the Commissioners that the hours on Sunday for a location that small maybe a little too extended. Other than that, he feels like they have done a good job working with Lieutenant Bonanca and Deputy Chief Williams to resolve a lot of the concerns that would have probably been a problem. He stated that for the hours on Sunday, he would make it 3:00 PM which should be ample amount of time to get someone to buy a car on a Sunday.

He stated that they are a small dealership and they do not have to be open until 5:00 PM in that area. Commissioner McGarry asked them what the opening hours were again on Sunday, and they stated 10:00 AM to 5:00 PM, they suggested 4:00 PM if that is possible? Chairman Charnel replied yes, they should do 4:00 PM that is reasonable. Commissioner McGarry asked everyone if they had covered everything? and everyone was satisfied. Councilor Nicastro informed the board that Councilman Minichiello has joined the meeting and didn't know if they would like to give him a moment to speak?

Chairman Charnel stated that he will open that portion of the meeting back up to allow him to speak. Councilor Minichiello stated that he apologizes, but he had a tough time getting on to the meeting tonight. He is borrowing Councilor Asack's phone and stated that he is in support of the license transfer with regard to G&K Automotive dba New England Automotive Repairs and Sales. This is a request for a transfer of the ten cars that were originally G&T Automotive that was operating there for quite some time. The gentleman that purchased the business has a clean shop and they have complied with or attempted to comply with all requisites and that they have submitted a plan from the JK Holmgren engineering that lays out the proposed plan with regard to all the spaces for customers employees and used cars.

They are very excited for their new entry into Brockton, and they think they will enhance that corner. He knows they are going to make improvements and it was a nice shop run by Mr. Petropolous from G&T Automotive for quite some time. They are simply going to continue the good work the Petropolous family did, and they would be a good addition to the city. They have been very cooperative and open to working as a good partner and neighbor with the city of Brockton and all the boards and authorities that are applicable with regard to the used car license transfer.

He knows that their application called for 15 cars and that they are reducing it back down to the 10 that was originally granted in the license. He knows that they wanted hours on Saturday and Sunday and has no opposition to the changes. In order for a business to make a living he thinks you would need those hours of operation to have a vibrant and successful business. He stated that he is in favor of the license being transferred to the new entrepreneur in the City of Brockton. Chairman Charnel thanked the Councilor for his input and the board would take that under advisement with regards to their decision and he closed that portion of the hearing.

A motion was made by Commissioner McGarry to approve the Transfer with the stipulation as noted on the plans and the comments made by the Fire Department and Police. Sunday hours 10-4 and they have appropriate signoffs, from the other departments prior to the transfer. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

### **3-0**

8. Hearing on a request from Boston Fried Chicken & Burritos for a Common Victualer license located at 168 Pleasant Street, Brockton, MA 02301

Present was Yosof Farooqi of 1765 Oak Grove Drive, North Dighton, MA 02764.

Mr. Farooqi said he is the President of Boston Fried Chicken located at 168 pleasant St. They have another store at 95 Montello Street Brockton, they are a family owned, business which includes him his brother and his father. They are the owners of the restaurants. They opened their first location in 2019, and he stated that people like their restaurant, and they have been serving Brockton for three years and would like to expand their business and open another location in Brockton. They found the current location and leased it out last year and because of COVID all of the orders were backed up so they never opened.

They are hoping to open the store soon and they feel that they are ready to open and wanted to apply for the Common Victualer license now, so hopefully they will open within the next month. Chairman Charnel asked if the Commission had any questions? Commissioner McGarry stated that he would like to hear if Lieutenant Bonanca and Deputy Chief Williams had anything to add? Because it has a kitchen, he is sure that the Deputy has been involved. He asked them if they had anything to add after what they have observed?

Lieutenant Bonanca stated that he conducted an inspection on the 15<sup>th</sup>, and he did submit photographs to the Commission. The applicant informed him that they would be finished within a month and that is what it appears to be from examining the interior. The issue he did have was that there was no parking plan submitted. Prior to this establishment he believes it was a Jimmy Donuts they did have a parking lot and had spaces, but they want to change that. So, a parking plan must be submitted, and they will have to see what their spacing is and exactly how many spots they want to put in there, and the

applicants were unsure. He did speak with the applicant and to a family member on site. He stated that there will be no issues and he will overlook the plans to see if there will be any issues with overcrowding. And there was no handicapped spot or sign. A parking plan should be submitted and overlooked before approval of course. All city inspections must be turned in before the business gets going. The applicant stated that Jimmy's Donuts had spaces however, they only painted five parking spots. The parking lot is very big, and they were going to paint over the parking lot and patch the holes, but unexpected snow hindered them.

With the changing weather in Brockton, it has been hard to get the work done. He assured the board that as soon as the weather gets better, they will have the parking lot painted and he will submit the parking plan to the City of Brockton. Chairman Charnel asked Mr. Farooqui if he will submit the plan to the city? He does not have to wait for the line painting. He stated that he will turn it in as soon as possible either, tomorrow or Monday. Deputy Chief stated that they have been working with the owner and they have several permits building, electrical, plumbing and the fire suppression that need to be completed prior to the building being occupied as a restaurant, and all the sign offs will have to be taken care of and he guarantees that.

Chairman Charnel asked Deputy Chief if they gutted the inside? He stated that they had made quite a few modifications from what it originally was. In between Jimmy's donut shop there was another restaurant in there and they have done a fabulous job. He has been watching them, it has taken forever but as he drives by, he sees that they are making progress. Chairman Charnel asked if there was anyone in favor or opposition? and there were none. He asked if the any Councilor's would like to speak and there was none.

Commissioner McGarry is in favor of the business opening he just does not want to OK it, until everything that we require is taken care of. We can pass it contingent upon the sign offs. Chairman Charnel stated that he would not feel comfortable passing it without the contingencies of at least the parking plan as stated by Lieutenant Bonanca and all the signoffs. He thinks that Lieutenant is right, you must make sure that people can enter and exit out of there appropriately and park. If not, it could become a nightmare and they are a popular restaurant.

Mr. Farooqi assured the board that he will drop off the parking plan to Silvia as soon as tomorrow or Monday. He also stated that the other permits are being taken care of. All the work inside has been done and they are just waiting for the inspections to be done as well as clean up. Chairman Charnel asked him to refrain from speaking as the Commissioners were deliberating. Commissioner McGarry stated it is a little different in these meetings than sitting around a table.

Chairman Charnel asked Commissioner McGarry if Lieutenant would be the one reviewing the parking plan and he replied that he would certainly accept his recommendation. Chairman Charnel asked Lieutenant if he is OK with that? Lieutenant stated he will re-inspect and look over the parking plans to make sure it has the proper amount, of spaces too inhibit overcrowding. He will submit his recommendation or not to the Commission.

A motion was made by Commissioner McGarry to approve the license contingent upon receipt of an acceptable parking plan and signoffs by all departments. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.



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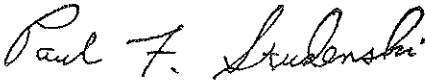
A motion was made by Commissioner McGarry to adjourn the meeting. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

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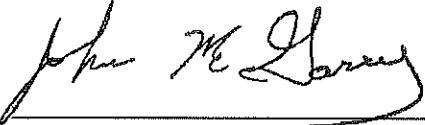
Respectfully Submitted,

  
\_\_\_\_\_  
Jeffrey Charnel, Acting Chairman

APPROVED



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Paul Studenski, Commissioner



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John McGarry, Commissioner